

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

1) ALEC HAYWARD-PREAUS)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 24-cv-00009-MTS
2) SMART FUTURES XPRESS, INC.)	
3) AMANDEEP SINGH,)	
)	
Defendants.)	
)	
)	
)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§1331, 1332, 1367, 1441, and 1446, Defendant Amandeep Singh (“Singh”), with consent and approval of Smart Futures Xpress, Inc. (“Smart Futures”), hereby gives timely notice of the removal of this cause of action from the District Court of Ottawa County, Oklahoma to this Court. Defendants state as grounds for removal that:

1. On March 16, 2023, Plaintiff Alec Hayward-Preaus (“Plaintiff”) filed a Petition in the District Court of Ottawa County, State of Oklahoma, against Defendant Singh. The case was assigned Case No. CJ-2023-38.

2. On September 21, 2023, Plaintiff amended his petition to add Smart Futures. At this point, no defendant had been served. A true and correct copy of this filing is attached as **Exhibit 1.**

3. The civil summons and the Petition (the “State Court Action”) were served on Smart Futures on November 4, 2023.

4. Singh received notice of the cause on December 11, 2023. He accepted service on January 4, 2024.

5. Neither Defendant has filed an Answer to the Petition. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b)(2) and (3) because it is filed within thirty (30) days of Singh's receipt of the Petition.

6. All Defendants consent to this removal as required by 28 U.S.C. § 1446. The signature of undersigned, as their duly hired and authorized legal counsel, and the filing of this document, is proof of their written and executed consents.

7. A true and correct copy of the docket sheet and all documents filed or served in the State Court Action, current through the date of this filing, are attached hereto as **Exhibit 2**. No motions are currently pending in the State Court Action.

8. The Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332.

9. Specifically, Plaintiff is a citizen of Oklahoma, while both Defendants are citizens of Indiana. *Petition*, ¶¶ 1-3.

10. Plaintiffs allege damages in excess of \$75,000 for their claims. *Id.* at ¶¶ 25, 31, and 36.

11. Removal is proper under 28 USC §1332 because there is complete diversity of the parties and the amount in controversy is over \$75,000.

12. Further, this Court has federal question jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1337 in that Plaintiffs have brought claims over which this Court would have original jurisdiction. Specifically, Plaintiff's Petition is based on allegations of negligence arising out of a motor vehicle accident. Plaintiff alleges that Defendants are liable to Plaintiff under the Federal Motor Carrier Safety Act. *Petition*, ¶¶ 19-24. Thus, Removal is likewise proper under 28 USC §1331 due to federal question jurisdiction, and supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

13. Written notice of the filing of this Notice of Removal shall be promptly served on

all parties herein and a copy of this Notice shall promptly be filed with the Clerk of the District Court of Oklahoma County Oklahoma pursuant to 28 U.S.C. § 1446(d).

14. This Notice of Removal is filed in compliance with Fed. R. Civ. P. 11.

15. Defendants reserve all defenses, including but not limited to, those under Rule 12(b) of the Federal rules of Civil Procedure and do not waive said defenses by the filing of this Notice.

WHEREFORE, Defendant Amandeep Singh, with consent and approval of Smart Futures Xpress, Inc., prays that the above action now pending against them in the District Court of Ottawa County Oklahoma, Case No. No. CJ-2023-38, hereby be removed from the above-referenced State Court to the United States District Court for the Northern District of Oklahoma.

Respectfully submitted,

DOERNER, SAUNDERS, DANIEL
& ANDERSON, L.L.P.

s/ Stuart D. Campbell

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*Attorneys for Defendants Smart Futures Xpress,
Inc. and Amandeep Singh*

CERTIFICATE OF SERVICE

I hereby certify that, on January 10, 2024, a true and correct copy of the foregoing document was served upon the following via the Court's electronic notification system, electronic mail, and/or U.S. Mail, postage prepaid:

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Attorneys for Plaintiff

s/ Stuart D. Campbell

Attorneys for Defendants

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